

THE COUNTY BULLETIN

And Uniform Compliance Guidelines

ISSUED BY STATE BOARD OF ACCOUNTS

Vol. No. 342

July 2003

SPECIAL EDITION

NEW LAWS AFFECTING VARIOUS COUNTY OFFICES

The following is a digest of some of the laws passed by the 2003 First Regular Session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations, nor is the digest intended to be all inclusive. Reference in the digest will be to the Indiana Code in the following form (Amends IC 33-17-10-5) which means (Amends Indiana Code, Title 33, Article 17, Chapter 10, Section 5). Please note the effective date of each law.

PUBLIC LAW 1 - HOUSE ENROLLED ACT 1167 - EFFECTIVE VARIOUS DATES

-Technical Corrections

Makes corrections to several sections of the Indiana Code.

PUBLIC LAW 2 - SENATE ENROLLED ACT 257 - EFFECTIVE July 1, 2003

-Title 10 Recodification

Reorganizes the laws dealing with civil defense, emergency management, war memorials, and military leave.

PUBLIC LAW 15 - HOUSE ENROLLED ACT 1408 - EFFECTIVE July 1, 2003

-Electronic Funds Transfer of Child Support

Adds IC 33-17-1-4.1 - Clerk may provide for the payment and disbursement of child support payments by electronic funds transfer. A person may request the clerk in writing to allow the person to pay or receive child support by electronic funds transfer. Written authorization must designate a financial institution and account number and remains in effect until the person revokes it in writing.

PUBLIC LAW 28 - HOUSE ENROLLED ACT 1724 - EFFECTIVE July 1, 2003

-Information Technology Purchases – State Information Technology Oversight Commission

Amends IC 4-23-16-12 - Adds at least three (3) members representing local units of government to the commission. States that the technology accessibility standards developed by the commission apply to cities and towns.

PUBLIC LAW 35 - HOUSE ENROLLED ACT 1078 - EFFECTIVE July 1, 2003

-Open Door Law – Collective Bargaining Agents

Amends IC 5-14-1.5-2 - States that an agent or agents appointed by the governing body to conduct collective bargaining on behalf of the governing body are not subject to the Open Door Law.

PUBLIC LAW 39 - HOUSE ENROLLED ACT 1044 - EFFECTIVE July 1, 2003

-Civil Damages for Protective Orders

Amends IC 34-26-5-3 - A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform to issue protective orders is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

PUBLIC LAW 40 - HOUSE ENROLLED ACT 1102 - EFFECTIVE July 1, 2003

-Foreign Judgments

Adds IC 34-54-11 - A certified and exemplified copy of a foreign judgment may be filed in the office of the clerk of any court of record in a county in Indiana where the debtor resides or owns property. The clerk of the court in which the copy is filed shall treat the foreign judgment in the same manner as a judgment of an Indiana court. The foreign judgment creditor must file an affidavit with the clerk and send a notice of filing. The filing fee for a foreign judgment is the same as the fee for filing a cause of action with the clerk and the filing fees are due and payable at the time of filing.

PUBLIC LAW 43 - HOUSE ENROLLED ACT 1397 - EFFECTIVE July 1, 2003

-Retainage on Public Works Projects Over \$100,000

Amends IC 36-1-12-14 - States that a board that enters into a contract for public work, and a contractor who subcontracts parts of that contract, shall include in their respective contracts provisions for the retainage of portions of payments by the board to contractors, by contractors to subcontractors, and for the payment of subcontractors. At the discretion of the contractor, the retainage shall be held by the board or shall be placed in an escrow account with a bank, savings and loan institution, or the state as the escrow agent. The escrow agent shall be selected by mutual agreement between the board and contractor or contractor and subcontractor under a written agreement among the bank or savings and loan institution and:

- (1) the board and the contractor; or
- (2) the subcontractor and the contractor.

The board shall not be required to pay interest on the amounts of retainage that it holds.

The board or escrow agent shall pay the contractor within sixth-one (61) days after the date of substantial completion. Payment by the escrow agent shall include all escrowed principal and escrowed income. If within sixth-one (61) days after the date of substantial completion there remain uncompleted minor items, an amount equal to two hundred percent (200%) of the value of each item as determined by the architect-engineer shall be withheld until the item is completed. Required warranties begin not later than the date of substantial completion. Actions against a surety on a performance bond must be brought within one (1) year after the date of the board's final settlement with the contractor.

PUBLIC LAW 47 - SENATE ENROLLED ACT 141 - EFFECTIVE July 1, 2003

-PERF Benefits – Direct Deposit

Adds IC 5-10.2-4-1.2 and IC 5-10.2-4-1.4 - Requires PERF to furnish to a member or a beneficiary who receives monthly benefits by direct deposit a written notice before each change in the amount of the member's or beneficiary's benefit; or once every twelve (12) months, if the member's or beneficiary's benefit amount does not change. A written notice showing the member's or beneficiary's benefit amount, including any costs of living increase or other adjustment to the benefit amount, and a summary of the member's or beneficiary's benefit payment history since the member's or beneficiary's last written notice.

PUBLIC LAW 64 - HOUSE ENROLLED ACT 1647 - EFFECTIVE July 1, 2003

-Building Laws – State Building Commission

Amends IC 22-13-5-2 - States that the office of the State Building Commissioner may issue a written interpretation of a building law whether or not a municipality has taken any action to enforce the building law.

PUBLIC LAW 66 - SENATE ENROLLED ACT 136 - EFFECTIVE July 1, 2003

-Elections

Makes several changes to the laws on voter registration, party affiliation, recounts, campaign finance, and other election laws in Title 3.

PUBLIC LAW 67 - SENATE ENROLLED ACT 211 - EFFECTIVE July 1, 2003

-Autopsy Costs

Amends IC 36-2-14-20 - If an Indiana resident dies in a county as a result of an incident that occurred in another county and is subject to an autopsy of the coroner where the death occurred; the coroner shall bill the county in which the incident occurred for the cost of the autopsy. This law also does not preclude the coroner of a county in which a death occurs from attempting to recover autopsy costs from a jurisdiction outside Indiana where the incident that caused the death occurred.

PUBLIC LAW 69 - SENATE ENROLLED ACT 318 - EFFECTIVE July 1, 2003

-Elections

Adds IC 3-11-10-26.2. Amends IC 3-5-2-10, IC 3-8-2-7, IC 3-11-3-24, and IC 3-11-8 - Makes several changes to the laws governing polling places, declaration of candidacy, and electronic voting system for absentee ballots.

PUBLIC LAW 77 - HOUSE ENROLLED ACT 1018 - EFFECTIVE July 1, 2003

-Knox County Innkeeper's Tax

Repeals IC 6-9-5 - Repeals the Knox County Innkeeper's Tax. Changes the Knox County tax to the Uniform Innkeeper's tax under IC 6-9-18.

PUBLIC LAW 80 - HOUSE ENROLLED ACT 1104 - EFFECTIVE July 1, 2003

-Alcohol and Drug Services Programs

Amends IC 12-7-2-12 - Allows persons against whom a complaint for an infraction is filed or judgment for an infraction is entered to be placed in an alcohol and drug services program.

PUBLIC LAW 90 - HOUSE ENROLLED ACT 1741 - EFFECTIVE July 1, 2003

-Corner Markings

Amends IC 36-2-12-13 - A person who damages or removes a monument marking a corner or high accuracy reference network (HARN) point shall reimburse the county for the cost of repairing or replacing the monument. If a person who damages or removes a monument marking a corner violates a county ordinance, the person is liable for the amount of the reimbursement and any monetary penalty for violation of the ordinance.

PUBLIC LAW 100 - HOUSE ENROLLED ACT 1353 – Effective July 1, 2003

-Building Permit Fees

Amends IC 36-2-4-8 - States that an ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published.

PUBLIC LAW 106 - HOUSE ENROLLED ACT 1748 - Effective July 1, 2003

-Manufactured Homes

Adds IC 9-17-6-15.1, IC 9-17-6-15.3, and IC 9-17-6-15.5. Amends IC 36-2-11-14 - A person who holds a certificate of title for a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the BMV. Upon receipt from the person filing the affidavit of transfer to real estate with the accompanying certificate of title, the recorder of the county in which the manufactured home is located shall record the affidavit in the manner required by IC 36-2-11-8, provided the auditor of the county has performed the endorsement required by IC 36-2-9-18.

PUBLIC LAW 107 – SENATE ENROLLED ACT 26 – Effective July 1, 2003

-Unclaimed Property

Amends IC 32-34-1-1 - Changes the statutory reference for property held five (5) years by a court clerk from IC 32-34-1-20(c)(7) to IC 32-34-1-20(c)(6).

PUBLIC LAW 108 – SENATE ENROLLED ACT 35 – Effective July 1, 2003

-Tort Claims – Maximum Aggregate Liability

Amends IC 27-1-29-14 and IC 34-13-3-4 - States that the combined aggregate liability of all government entities and for all public employees, acting within the scope of their employment and not excluded from liability, does not exceed:

(1) for injury to or death of one (1) person in any one (1) occurrence:

(A) three hundred thousand dollars (\$300,000) for a cause of action that accrues before January 1, 2006;

(B) five hundred thousand dollars (\$500,000) for a cause of action that accrues on or after January 1, 2006, and before January 1, 2008; or

(C) seven hundred thousand dollars (\$700,000) for a cause of action that accrues on or after January 1, 2008; and

(2) for injury to or death of all persons in that occurrence, five millions dollars (\$5,000,000).

A governmental entity is not liable for punitive damages.

PUBLIC LAW 109 - SENATE ENROLLED ACT 109 - EFFECTIVE July 1, 2003

-Regulation of Amateur Radio Antennas

Adds IC 36-7-5.2 - States that a county may not enact or enforce an ordinance, a resolution, or an order that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101FCC 2d 952 (1985)" or a regulation related to the amateur radio service adopted under 47 CFR Part 97. If a county adopts an ordinance, a resolution, or an order involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance, resolution, or order must:

(1) reasonably accommodate amateur radio communications; and

(2) represent the minimal regulation practicable to accomplish the county's legitimate purpose.

This does not prohibit a county from taking action to protect or preserve a historic, a historical, or an architectural district that is established by the county or under state or federal law.

PUBLIC LAW 110 - SENATE ENROLLED ACT 205 - Effective July 1, 2003
-Interstate Compact for Adult Offender Supervision

Adds IC 11-13-4.5 - An Indiana offender on probation or parole who applies to be transferred out of state under the interstate compact for adult supervision shall pay an application fee of \$75. The application fee shall be used to cover the costs of administering the interstate compact for adult offender supervision. An offender found indigent may, at the court's discretion, be required to pay a lesser amount. An Indiana offender on probation shall pay the fee to the county probation department. An Indiana offender on parole shall pay the fee to the department of correction. The fee paid by an offender on probation shall be transferred to the county treasurer. 50% of the fee shall be deposited into the county supplemental adult probation services fund and 50% to the state general fund.

PUBLIC LAW 111 - SENATE ENROLLED ACT 304 - Effective July 1, 2003
-Transfer of County Drain to Municipality or Sanitary District

Adds IC 36-9-27-20.5 and IC 36-9-27-20.6 - Provides that if a transfer of jurisdiction over a drain is transferred to a city or town or sanitary district all or part of the related drain maintenance fund, if established, can also be transferred to the city, town, or sanitary district.

PUBLIC LAW 113 - SENATE ENROLLED ACT 365 - Effective July 1, 2003
-Members of the Indiana National Guard - Benefits

Adds IC 10-16-7-23 and IC 33-1-18 - States that the rights, benefits and protections of the federal Uniformed Services Employment and Reemployment Rights Act and the federal Soldiers and Sailors' Civil Relief Act apply to members of the Indiana National Guard ordered to active duty for at least thirty (30) days.

PUBLIC LAW 116 - SENATE ENROLLED ACT 477 - Effective July 1, 2003
-Help America Vote Act

Adds IC 3-11-6.5-0.5 and IC 3-11-8-6.5

PUBLIC LAW 146 – HOUSE ENROLLED ACT 1521 - Effective July 1, 2003
-Driver Improvement Courses

Amends IC 9-30-3-16 - States that a driver improvement course may be financed by assessing a reasonable charge as determined by the course provider and approved by the Bureau of Motor Vehicles. Eliminates the \$30 and \$40 limits for the charge for the course.

PUBLIC LAW 148 – SENATE ENROLLED ACT 160 - Effective July 1, 2003
-Radioactive Waste

Adds IC 10-14-8-9 - A person that transports low level radioactive waste or high level radioactive waste in Indiana shall reimburse each governmental entity that provides security for a shipment for reasonable and necessary expenses incurred by the governmental entity in providing the security.

PUBLIC LAW 159 – HOUSE ENROLLED ACT 1469 - Effective July 1, 2003
-Energy Efficient Technology

Adds IC 4-13.6-9, IC 5-16-12.2 and IC 36-1-12.7 - Requires the contracting board to consider the use of energy efficient technologies whenever planning a public work project.

PUBLIC LAW 161 – HOUSE ENROLLED ACT 1620 - Effective July 1, 2003

-Tort Claims Liability

Amends IC 34-13-3-4, IC 34-13-3-5, IC 34-13-4-1 and IC 35-42-4-7 - States that a governmental entity or an employee of a governmental entity acting within the scope employment is not liable for punitive damages. Allows for the payment of punitive damages in a settlement if it is determined it is in the best interest of the county

PUBLIC LAW 165 – HOUSE ENROLLED ACT 1010 - Effective July 1, 2003

-Northwestern Indiana Regional Planning Commission

Adds IC 36-7-7.6 - Establishes the powers and duties of the Commission. Replaces the entire law dealing with the Commission.

-Plan Commission Executive Directors

Amends IC 36-7-7 - Requires all area Commissions to use the same process to appoint a director.

PUBLIC LAW 167 – HOUSE ENROLLED ACT 1047 - Effective July 1, 2005

-Small Claims Actions

Amends IC 33-4-3-7, IC 33-5-2-4, IC 33-10.1-6-10, IC 33-19-5-5, and IC 33-19-7-4 - Raises the jurisdiction of a small claims action from \$3,000 to \$6,000. Establishes a small claims service fee of \$5 for each defendant named or added on each small claims action beginning July 1, 2005. The small claims service fee shall be deposited in the county general fund.

PUBLIC LAW 170 – HOUSE ENROLLED ACT 1161 - Effective July 1, 2003

-Tax Sale

Amends various sections of IC 6-1.1-24 and IC 6-1.1-25. Adds IC 6-1.1-24-6.1, 6.3, and 6.4 - The county auditor and treasurer may establish the condition that a tract or item will be sold and may be redeemed only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person. If this determination is made, the notice of tax sale must include a statement that tracts or items will be sold together. The county commissioners may, by resolution, identify properties that have gone through (2) consecutive sales and which the county has acquired a lien, and concerning which the county commissioners desire to offer to the public the certificates of sale. Must publish notice in accordance with IC 5-3-1 of the date, time, and place for a public sale of the certificates of sale that is not earlier than ninety (90) days after the last date the notice is published. The certificates of sale covered by the resolution may be sold for a price that is less than the minimum sales price in IC 6-1.1-24-5(e) and includes any costs to the county directly attributable to the sale of the certificate of sale. Notice published must: (1) include a description of the property by parcel number and common address; (2) specify that the county commissioners will accept bids for the certificates of sale for the price referred to; (3) specify the minimum bid for each parcel; (4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay the amount of the minimum bid under IC 6-1.1-24-5(e) for which the tract or item was last offered for sale plus 10% of the amount for which the certificate is sold plus the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5 plus the costs of a title search or of examining and updating the abstract of title plus all taxes and special assessments paid by the purchaser after the sale of the certificate plus interest at 10% per annum on the amount of taxes and special assessments paid by the purchaser; (5) include a statement that, if the certificate is sold for an amount more than the minimum bid under IC 6-1.1-24-5(e) for which the tract or item was last offered for sale and the property is not redeemed, the owner of record who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus. The sale of certificates must be held at the time and place in the notice. A certificate may not be sold if the following are paid before the time of sale: all the delinquent taxes, penalties, and special assessments and the costs incurred by the county due to the sale. The county commissioners shall sell the certificate to the highest bidder at a public auction. The auditor shall serve as clerk of the sale. When the certificate is sold, the purchaser shall immediately pay the bid to the county treasurer. The county treasurer shall apply the payment as follows: First, to the taxes, special assessments, penalties, and costs in

PUBLIC LAW 170 – HOUSE ENROLLED ACT 1161 - Effective July 1, 2003 – (Continued)**-Tax Sale**

IC 6-1.1-24-5(e). Second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b). Third, to the tax sale surplus fund. The owner of record or purchaser of the certificate or assignee may file a verified claim for money deposited in the tax sale surplus fund. Amount deposited in the tax sale surplus fund if not claimed within 3 years, shall be transferred to the county general fund. Upon the assignment of the certificate of sale to the purchaser, the county auditor shall indicate on the certificate the amount for which the certificate of sale was sold. The period for redemption of real property for which a certificate of sale is or is not sold is 120 days after the date the county acquires the lien. When a deed is issued to a purchaser of a certificate of sale, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between the amount of the last minimum bid under IC 6-1.1-25-5(e) and the amount paid for the certificate of sale. A county is entitled to a tax deed to property on which the county acquires a lien and for which a certificate of sale is not sold only if: the redemption period had expired, the property has not been redeemed, and not later than 90 days after the date the county acquires the lien, the county auditor gives notice of the sale to the owner or any person with a substantial property interest. A purchaser of a certificate of sale is entitled to a tax deed only if: the redemption period has expired, the property has not been redeemed, and not later than 90 days after the date of the sale of the certificate, the purchaser gives notice of the sale to the owner and any person with a substantial property interest. If the purchaser fails to comply with the notice provision or petition for the issuance of a tax deed within the time permitted, the certificate of sale reverts to the county and may be retained or sold.

-Sale of Real Estate

Amends IC 36-1-11-5 and IC 36-10-3-23 - Raises the assessed value from \$5,000 to \$15,000 on land which may be sold in accordance with the abutting landowner sale law. Raises the assessed value from \$2,000 to \$6,000 where a tract of land to be offered for sale has to be appraised. Changes the number of appraisals required from three to two for the sale of park land.

PUBLIC LAW 173 – HOUSE ENROLLED ACT 1242 - Effective July 1, 2003**-Public Depository Law**

Amends IC 5-13-8-9 and IC 5-13-9-4 - Moves the criteria for determining how many banks to deposit public funds from IC 5-13-9-4 to IC 5-13-8-9.

-Investment Cash Management System

Adds IC 5-13-11-2.5 - Allows an investment cash management contract to be renewed under the same or better terms as the original contract. The term of the renewal cannot be longer than the term of the original contract. Allows for multiple renewals of the contract.

-List of County Employees

Amends IC 5-14-3-3 - States that lists of employees may not be disclosed to commercial entities for commercial purposes.

-Public Records Law

Amends IC 5-14-3-4 - Makes certain information confidential if it is assembled to prevent or respond to acts of terrorism. Requires consultation with the state counterterrorism and security council if a request for such records is made.

-Transfers of Appropriations

Amends IC 6-1.1-18-6 - Removes the requirement to report transfers of appropriations to the County Auditor.

PUBLIC LAW 173 – HOUSE ENROLLED ACT 1242 - Effective July 1, 2003 – (Continued)

-Appropriation of Insurance Claim Proceeds

Amends IC 6-1.1-18-7 - Allows the fiscal officer (no longer the fiscal body) to appropriate funds received from an insurance company if the funds are used to repair or replace damaged county property.

-Local Road and Street Annual Reports

Amends IC 8-17-4.1 - Changes the due date of the report from February 15 to June 1. Requires the State Board of Accounts to prescribe a more streamlined report to ease preparation of the report.

-Credit Cards - Courts

Adds IC 33-19-6.5 - Allows the clerk to contract with a bank or credit card vendor for acceptance of bank or credit cards in payment of court fees. Requires any transaction charges or discount fees to be paid by the person using the card. The fee is in addition to required court costs and fees. All credit card fees collected by a court are to be remitted to the county auditor who may use the funds to pay the card vendor for any charges without appropriation.

-Credit Cards - Bail

Adds IC 35-33-8-9 and IC 35-33-9-7 - Requires defendants who post bail by means of a credit card to pay the credit card service fee under IC 33-19-6.5.

-Rainy Day Fund

Amends IC 36-1-8-5 and IC 36-1-8-5.1 - Requires an ordinance specifying the purposes and sources of funding of the rainy day fund in order to establish the fund. Allows for subsequent amendments of the ordinance. Requires such fund to be appropriated in the same manner as other funds receiving tax money. Limits the amount that can be transferred to the fund to 10% of the county's annual budget adopted under IC 6-1.1-17. States that transfers to the fund must be made between January 1 and March 1 of the subsequent calendar year. States that the Department of Local Government Finance cannot reduce the actual or maximum levy of a county as a result of a balance in the rainy day fund.

-Credit Cards

Amends IC 36-1-8-11 - Allows counties, except for county treasurers governed by IC 36-2-10-23, to collect bank or credit card charges from persons who use credit cards to pay for services offered by counties.

PUBLIC LAW 174 – HOUSE ENROLLED ACT 1243 - Effective July 1, 2003

-Sewer Liens

Amends IC 36-9-23-33 - Requires sewer liens to be certified to the county auditor not later than ten (10) days after recording the liens.

PUBLIC LAW 179 – HOUSE ENROLLED ACT 1417 - Effective July 1, 2003

-Autopsies

Amends IC 36-2-14-6 - A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one week old and not more than three years old unless an autopsy is preformed at county expense.

PUBLIC LAW 185 – HOUSE ENROLLED ACT 1519 - Effective May 7, 2003

-Riverboat Distributions

Amends IC 4-33-13-5 - Allows wagering taxes received by counties without riverboats to be used for any government purpose for which money can be appropriated by the county. States that such revenue does not reduce the maximum levy of the county.

PUBLIC LAW 194 – HOUSE ENROLLED ACT 1769 - Effective July 1, 2003

-Burial Allowances

Amends IC 10-5-3-1 - Burial allowance for a veteran or a decedent to be set by ordinance of the county commissioners. The allowance may not exceed \$1,000. This act applies to claims for burial expenses filed after June 30, 2003.

PUBLIC LAW 199 – SENATE ENROLLED ACT 120 - Effective May 7 and July 1, 2003

-Employment of Minors

Adds IC 20-8.1-4-25.5. Amends IC 20-8.1-4-20.5 - Makes it unlawful to employ a child less than 18 years of age after 10 P.M. and before 6 A.M. unless another employee at least 18 years of age also works during the same hours as the child. Requires children under 18 years of age who are scheduled to work six consecutive hours to be provided one or two rest breaks totaling at least 30 minutes.

PUBLIC LAW 200 – SENATE ENROLLED ACT 169 - Effective July 1, 2003

-Public Notice of Meetings

Amends IC 5-14-1.5-5 - Public notice shall be given by the governing body of a public agency by delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one of the following methods: (1) depositing notice in the U.S. mail with postage prepaid, (2) transmitting the notice by electronic mail, or (3) transmitting the notice by facsimile. Personnel files of public employees and files of applicants for public employment may be confidential at the discretion of the county except for the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, dates of first and last employment of present or former officers or employees of the agency, information relating to the status of any formal charges against the employee, and the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted or discharged. However, all personnel file information shall be made available to the affected employee or the employee's representative.

PUBLIC LAW 207 – SENATE ENROLLED ACT 238 - Effective July 1, 2003

-Endorsement Fee

Amends IC 36-2-9-18 - Allows the county auditor to collect a fee that does not exceed \$5 for each deed or legal description of each parcel contained in the deed for which the auditor makes a real property endorsement. This fee is adopted by an ordinance of the county commissioners.

PUBLIC LAW 209 – SENATE ENROLLED ACT 268 - Effective May 7 and July 1, 2003

-Elections

Amends and adds several sections in Title 3 to bring Indiana election laws in compliance with the Help America Vote Act of 2002.

PUBLIC LAW 220 – SENATE ENROLLED ACT 475 - Effective July 1, 2003

-Investments

Amends IC 5-13-9-2. Repeals IC 5-13-9-2.4 - Allows for the investment in securities fully guaranteed and issued by any federal agency federal instrumentality or federal government sponsored enterprise. Removes the requirement to obtain annual approval of the fiscal body before making investments in money market mutual funds.

PUBLIC LAW 224 – HOUSE ENROLLED ACT 1001 - Effective July 1, 2003

-State Budget Bill

Makes appropriations for State government for the next two years. Appropriates \$33 million dollars of wagering taxes for distribution to cities, towns, and counties and retains the January 1, 2003 three cent increase in gas taxes.

-Joint Investment Fund

Adds IC 5-13-9-10 - Allows investing officers of two or more political subdivisions located within the same county to establish a joint investment fund. A joint board, made up of each participating investing officer, shall administer the fund.

PUBLIC LAW 230 – HOUSE ENROLLED ACT 1219 - Effective Upon Passage

-Provisional Tax Statements – Tax Settlements

Amends IC 6-1.1-27-1 - Requires settlements to be made on or before the 51st day immediately following each property tax due date. Allows counties to send out provisional tax statements in 2003 based upon 2002 tax liability then send out a reconciling tax statement once reassessment is completed.

PUBLIC LAW 245 – HOUSE ENROLLED ACT 1714 - Effective July 1, 2003

-Property Taxes

Amends IC 5-13-6-3 - Requires a county treasurer to advance property taxes not later than 30 days after receipt of a written request. Amends IC 6-1.1-4-4 - Requires a general reassessment beginning July 1, 2007 and each fourth year thereafter. The county auditor shall collect a \$10 sales disclosure fee for each sales disclosure form filed after December 31, 2003. 50% of this fee goes to the county sales disclosure fund, 10% to the state assessment training fund, and 40% to the state general fund.

PUBLIC LAW 254 – HOUSE ENROLLED ACT 1811 - Effective July 1, 2003

-Innkeeper's Tax

Amends IC 6-8.1-3-12 - County treasurers investigating innkeeper's tax have concurrent jurisdiction with the Department of Revenue, the audit, investigatory, appraisal, and enforcement powers described in this section, and authority to recover costs, fees, and other expenses related to an audit, investigatory, appraisal, or enforcement action.

PUBLIC LAW 261 – HOUSE ENROLLED ACT 1935 - Effective May 8 and July 1, 2003

-Open Door Law

Amends IC 5-14-3-3 - Makes changes to confidentiality laws on employee lists and anti-terrorism documents. (See digest of Public Law 173 for similar changes.)

PUBLIC LAW 267 – SENATE ENROLLED ACT 166 - Effective Various Dates

-CAGIT, COIT, CEDIT Distributions

Amends several sections of IC 6-1.1-18, IC 6-1.1-21.8, IC 6-3.5-1.1, IC 6-3.5-6, IC 6-3.5-7 and IC 36-1-8-5.1 - Changes the manner for computing and distributing CAGIT, COIT and CEDIT taxes. Requires supplemental distributions in excess of certified distributions to be deposited in the county's rainy day fund.

PUBLIC LAW 277 – SENATE ENROLLED ACT 506 - Effective July 1, 2003**-Probation User Fees**

Adds IC 31-40-1-1.7, IC 31-40-2-1.5, IC 33-10-6-5, IC 35-33-9-7, IC 35-28-2-1, IC 35-38-2-1.7 and IC 36-2-16.5 - Amends IC 11-13-1-1, IC 31-40-2-1 and IC 35-38-2-1 - States that a county fiscal body shall fix the salaries of probation officers in consultation with a judge and probation officer. The salary schedule must comply with the minimum compensation requirements for probation officers adopted by the Judicial Conference of Indiana under IC 11-13-1-8. Allows for a person to pay user fees before the person is required to make payment. If a person is discharged from the program before the date of scheduled release, any payments made in advance may not be refunded. Allows a court to garnish wages and order a person's driver's license suspended where user fees are not paid. Raises monthly adult probation fees to a fee of not less than \$15 nor more than \$30 per month and creates an administrative fee of \$100 for felonies and not less than \$10 nor more than \$20 per month an administrative fee of \$50 for persons convicted of misdemeanors. Allows such fees to be paid to the probation department or court clerk. Allows a probation department or court clerk to contract with a bank or credit card vendor for acceptance of bank or credit cards in payment of probation fees. If there are vendor transaction charges or discount fees, the probation department or court clerk may collect a credit card service fee from persons placed on probation. Such fee is in addition to court costs and fees and must be forwarded to the clerk and may be used without appropriation to pay the transaction charges or discount fees charged by a bank or credit card vendor. Requires administrative fees to be used to pay for salary increases for probation officers.

If a clerk of a court collects a probation user's fee, the clerk:

(1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-19-6-1.5; and

(2) if requested to do so by the city fiscal officer or town fiscal officer, transfer not more than three percent (3%) of the fee to the city general fund when requested by the city fiscal officer; or town general fund when requested by the town fiscal officer.